

Application No. 09/774,449
Response to OA of 04/06/2006

Remarks

In the present response, thirteen claims (1-3, 5, 6, 9-10, 11, 13, 14, 17, 21, 22) are amended. Claims 7-8, 15-16, and 23-24 are canceled per a previous restriction requirement. Claims 1-6, 9-14, and 17-22 are presented for examination.

I. Amendments to Specification

The specification at pages 9 and 10 is amended to correct for typographical errors.

II. Claim Rejections: 35 USC § 112

Claims 5-6, 13-14, and 21-22 are rejected under 35 USC § 112, second paragraph, as being indefinite. The word "particular" is removed from each of these claims. Applicants respectfully request withdrawal of these rejections.

III. Claim Objections

Claims 2-3 and 10-11 are objected to because of informalities. These claims are amended as suggested by the Examiner. Applicants respectfully request withdrawal of these rejections.

IV. Claim Rejections: 35 USC § 103(a)

Claims 1-2, 9-10, and 17-18 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,589,290 (Maxwell). For at least the following reasons, Applicants assert that the rejection does not satisfy these criteria.

Overview of Maxwell

Applicants provide an overview of Maxwell as a precursor to an analysis of Maxwell and the claims.

Maxwell teaches a method and apparatus for populating a form with data previously input from a user (9: 21-22). Initially, a user is presented with a data collection form (9: 50-51). The user enters data into this form, and the data is stored in a storage medium (9: 52-53). This data is used to populate other forms that the user encounters over the internet (9: 54-56). Specifically, a user can navigate to an internet site, obtain a

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form at this site, and use the data stored in the storage medium to populate the form from the internet (9: 29-36). In order to complete the form at the internet site, the user drags graphical representations (icons) to the form (10: 30-35). Each icon represents part of the information that the user previously entered into the data collection form (10: 59 -11: 23).

All Claim Elements Not Taught/Suggested

The independent claims recite numerous recitations that are not taught or suggested in Maxwell. By way of example, independent claims 1, 9, and 17 recite receiving a set of financial applications at an internet exchange portal. These claims then recite “generating a generic financing application from the set of applications.” Maxwell does not teach or suggest these recitations. The Office Action cites Maxwell at column 8, lines 13-26 for allegedly teaching these recitations. Applicants respectfully disagree.

Column 8, lines 13-26 in Maxwell teaches how a user enters data into a data collection form. As note in the overview of Maxwell, a user is initially presented with a data collection form (9: 50-51). The user enters data into this form, and the data is stored in a storage medium (9: 52-53). This data is used to populate other forms that the user encounters over the internet (9: 54-56). Nowhere does Maxwell teach or suggest “generating a generic financing application from the set of applications.” First, Maxwell stores the data in a storage medium. Maxwell never states or suggests that the data generates a “generic application.” Again, Maxwell stores this data and creates icons (see 11: 1-23). Storing data and creating icons is not “generating a generic application.” Second, the claims recite that the generic application is generated **from a set of applications**. In other words, a “set of applications” generates the generic application. By complete contrast, Maxwell never uses a set of applications to generate another application. Maxwell uses data entered into a data collection form to create icons. These icons are used to populate subsequent forms that a user encounters on the internet. Where is the set of applications in Maxwell that generates another application? They do not exist. Again, nowhere does Maxwell teach or even suggest whatsoever that a set of applications is used to generate a generic application.

For at least these reasons, independent claims 1, 9, and 17 and their dependent claims are allowable over Maxwell.

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As yet another example, independent claim 1 recites receiving financing applications at an internet exchange portal that “operates as an online auction for selling goods.” Independent claim 9 recites an internet exchange portal that “hosts auctions for selling goods” and independent claim 17 recites an internet exchange portal that “includes an online auction for goods.” Maxwell teaches a web client that navigates the internet to websites having forms. Maxwell never teaches or even suggests an internet exchange portal that operates as an online auction for selling goods or hosts auctions for selling goods or includes an online auction for goods.

For at least these reasons, independent claims 1, 9, and 17 and their dependent claims are allowable over Maxwell.

Challenge to Official Notice

In rejecting dependent claims 2, 10, and 18, the Office Action takes official notice that “it is old and well known in the art of filling in forms to consolidate data fields in an application into a generic data field in the application which is known as merging” (see OA at p. 4.).

Per MPEP § 2144.03, Applicants challenge the factual assertion as not properly officially noticed or not properly based upon common knowledge. As such, Applicants asks the Examiner to provide adequate **documentary evidence**.

Applicants contend that the noticed fact is not considered common knowledge or well-known in the art. For example, the independent claims recite consolidating financing in an internet exchange portal. The elements of the receiving step and the generating step are not known or common knowledge in the context of occurring at an internet exchange portal.

Applicants respectfully ask the Examiner to produce authority (in the form of documentary evidence) for the alleged notice.

V. Claim Rejections: 35 USC § 103(a)

Claims 3-6, 11-14, and 19-22 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,589,290 (Maxwell) in view of USPN 6,208,979 (Sinclair). As noted in section IV, Maxwell fails to teach or suggest all the elements of the independent

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